G. R. S. 59] GPB—15,000—22-7-14

GENERAL AND REVENUE SECRETARIAT.

~~191~~. 1891-2

(Local Boards)

File No. 9 of 91-2

Serial Nos. 1-6

0010001

~~Papers~~ Filed. 13

Month April 92

SUBJECT.

Complaint of Shanmuma to put the ferry under auction against the orders of the Dy Commr

PREVIOUS REFERENCES.	LATER REFERENCES.
	Countermanded

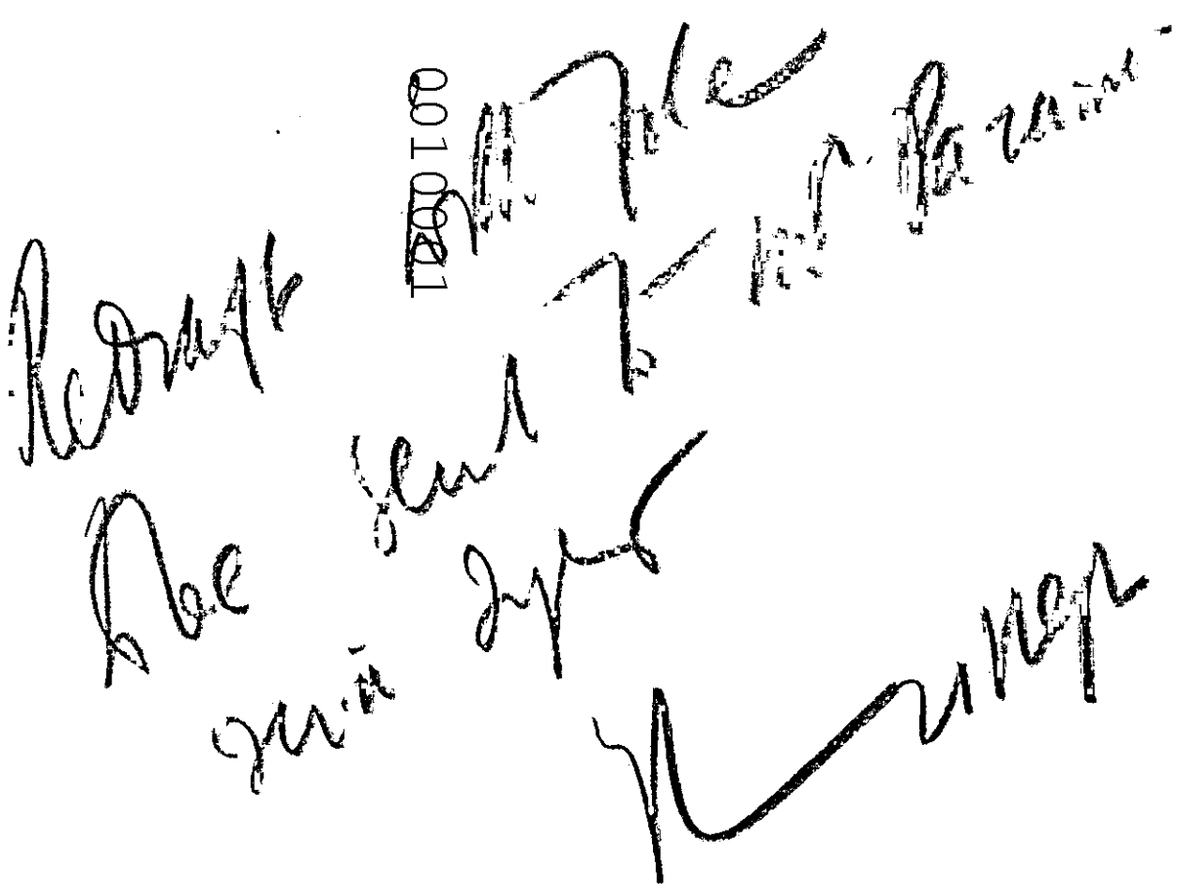
(1) 895

GOVERNMENT OF MYSORE

Petitioner

Shamanna, Jokadar
of Chandagalkadoor
Ke Veeralore
Taluk.

D 17-11-92



(2)

GOVERNMENT OF MYSORE

Read:-
Letters from the Dy Comr of the Mysore District dated 12th August 1892 No 432, reporting upon the complaint of Shamanna against the sale by public auction of his right to work the Chendgal ferry in the Yedatore Taluk

Order thereon. Govt Reserve

that the ferry under notice was unquestionably one that received special treatment under the Proceedings of the late Govt No 9H-19 dated 19th May 1880. Para 89 Those Proceedings leave no room for doubting (1) that the ferries in Mysore were formerly worked by hereditary Ambigars (2) that Govt resumed the right of the Ambigars & ordered the right to ferry to be sold by public competition 4/1875 & (3) that on a representation of the hardship & inconvenience caused by such resumption the hereditary Ambigar System was restored. A comparison of the form of license enjoyed in the above Pro & with the one granted to Petitioner would have obviated the necessity for several of the ingenious arguments advanced by the Dr Comr to prove that there could have been no permanent lease granted

The Coincidence of the conditions is not sufficient.

Fix a date for hearing & give notice to Petitioner to prove his hereditary right.

4/9/92.

Mr Rama Rao. Please see D the above papers. It is proposed in the Council order that file to be sent to the L.F. dept

Government Secretariat 4/9/92

Recd 5-9-92

Petitioner notified 11/9/92

(3)

Granted to petitioner and Govt Counsel two strong reprobate the application on the law of estoppel which the Dr Com[r] recommends for their approval.

Under Govt therefore petitioner order that ~~Thavanama~~ be restored to his rights as a hereditary ferryman under the licence granted to him in August 1881.

[illegible]

For Chief Secretary

No.

Thro Com. Ellyanna District

00100001

(42)

1880.

GOVERNMENT OF MYSORE

REVENUE DEPARTMENT.

REVENUE

To

THE DEPUTY COMMISSIONERS OF DISTRICTS.
„ DEPUTY ACCOUNTANT GENERAL.

Dated 19*th May.*

Despatched

Received

No. 911—19.
P. 89.

00100001

Issues instructions as to the mode in which Ferries in the Mysore and Hassan Districts are to be worked.

Mysore Govt. Press, Bangalore.—25-5-80.—60.

Proceedings of the Chief Commissioner of Mysore in the Revenue Department, (Revenue),—dated 19th May 1880.

READ—

Letter from the Deputy Commissioner of the Mysore District, No. 1201, dated 28th October 1879, reporting on the petition from Nanja Bhoyi and other ferrymen at Bannur in the Ashtagram Taluk, complaining of the sale, contrary to custom, of the right of ferrying over the passengers, &c., across the Cauvery river at Bannur.

(2.) Letter from the Deputy Commissioner of the Hassan District, No. 53, dated 1st May 1880, requesting definite instructions as to whether the practice, which obtains in the District, of selling the right of plying boats between opposite banks, where there is no line of road, should be discontinued under the orders conveyed in para 2 of the Chief Commissioner's Proceedings No. 1851-4, dated 3rd June 1875.

No. 911-19—Dn. 89, dated 19th May 1880.

ORDER THEREON.—From the first of the above reports it appears that the ferry on the Cauvery at Bannur (and this is also the case with other ferries in the Mysore District) is worked hereditarily by families of Ambigars or ferrymen, who pay nothing or only a nominal rent to Government, keep their own boats, and ferry passengers for small fees and the villagers and their cattle and goods for an annual customary remuneration in grain at harvest seasons. These arrangements hitherto sufficiently answered the wants of travellers and were especially convenient to the villagers, who, with their cattle, have often to cross the river to cultivate their lands on the opposite side. The local knowledge of the men ensured safety against accidents, whilst the large numbers of families interested enabled them to bring any number of men for the work when required, on occasions of emergency.

2. The system of contract by competition, which was introduced last year with reference to Proceedings dated 3rd June 1875, No. 1851—4, upset these arrangements, and whilst the rent derived was but small, it occasioned serious public inconvenience. The contractors had great difficulty in providing boats and in finding ferrymen. There was considerable detention to passengers and serious inconvenience especially to villagers.

3. These results might have been avoided under proper arrangements, as they are not experienced in other places, such as Hassan District, where the ferries are all rented out. The right of the Government to derive a revenue from the rent of ferries on public streams is one supported by custom and rests on good grounds. But the system of employing hereditary ferrymen has hitherto worked so smoothly and successfully in the Mysore District, that the Chief Commissioner considers it undesirable to disturb it. He, therefore, directs that wherever in the Mysore District the ferries have hitherto been enjoyed by hereditary ferrymen, they be allowed to work the same under the following arrangements:—

(*a.*) That a moderate annual rent be fixed on the several ferries according to their importance, due regard being had to the expense the ferrymen are put to in finding their own boats. Such rents should be almost nominal in regard to the smaller ferries plying between villages.

(*b.*) That the hereditary ferrymen be allowed to work and enjoy the ferries on the payment of the above rent and subject to the following conditions:—

(i.) That the ferrymen shall be bound to provide, and keep in good order, at their own cost, such numbers of boats and of such descriptions as may be fixed by the Deputy Commissioner with reference to the requirements of each place.

(ii.) That the required number of men shall always be in readiness to ferry passengers, goods, cattle, or carts without any detention.

(iii.) That they shall not levy higher rates of fees than those laid down for 3rd class ferries in Proceedings dated 3rd June 1875, No. 1851—R. 4.

(iv.) That in regard to the ferrying of villagers, their cattle and goods, the prevailing system of an annual customary remuneration in grain shall not be disturbed.

(v.) That Government officials on duty and all Government articles shall be ferried free of charge.

(vi.) That the Government reserves to itself the right of revising the rent or of resuming the privilege at any time.

(vii.) That the ferrymen shall be provided with a license specifying the above conditions and with a table of fees for the inspection of passengers.

(viii.) That where the ferries are important, the Deputy Commissioner may provide Government ferryboats to be kept in repair by the ferrymen, proportionately raising the rent payable to Government.

The term ferry shall not include boats kept by private individuals, not for the public, but for their own use.

4. In the Hassan District, where the ferries have hitherto been all rented out, the arrangement need not be disturbed, but conditions similar to those above mentioned should be laid down, especially in regard to providing safe and good boats, whether by the Government or by the renters, and to protecting passengers from needless detention and extortion.

5. The Chief Commissioner sees no occasion for the absolute exemption from rent, laid down in Proceedings No. 1851—R. 4, dated 3rd June 1875, of ferries plying between villages which are not situated on any line of road. Some of these appear to be as important as those on the main lines of road, yielding equally large amounts of rent. They may continue to be rented out as heretofore. But where the ferries are unimportant, the system of giving them to hereditary ferrymen on a fixed moderate or nominal rent without an annual competition may be advantageously adopted in the Hassan District also.

6. The proceeds of the ferries being made over to District Funds, the receipts and charges on account of the same will continue to be shewn under that head.

C. RANGACHARLU,
Revenue Secretary.

To—The Deputy Commissioner, Mysore District, with the original papers received from him.
" Deputy Commissioner, Hassan District.
" Deputy Commissioners of other Districts.
" Deputy Accountant General.

(2) L 265

(General Serial No. 32.)

SERIAL No. 189

Local Board

FILE No. 96 91-2

CONFIDENTIAL No. 324 R

SUBJECT No. 1 NOTE

Name of Petitioner. S. Thimmanna

Village. Chandgal

Taluk. Gedatore

District. Mysore

Date of Arzi. 25. 4. 92

Date of Receipt. 29. 4. 92
16. 5. 92

Date of Disposal.

No. of Enclosures. Two

00100001

ABSTRACT.

I had obtained (a licence) on 4 August 1881 from the Dy Comr of Mysore to work the ferry at Chandgal. Ever since that I have been in the uninterrupted enjoyment of the same

2. About 2 or 3 years after my obtaining the above licence Halakatty and others put in a petition offering to pay a higher amount for the right to work

the ferry is put to auction.

3. The petitioners received a reply from the Taluk authorities to the effect that it has been let to Thekkedathu Shamanna on a Kandayam of Rs. 100.

4. In accordance with the Proc. No. 900/19 of 19 May 1880 (wrongly quoted for No. 911-19 of 1889 the said date), orders were issued for the plying of boats on this ferry hereditarily on payment of Rs. One hundred (per annum) and I have been carrying on the business.

5. Up to the present time the Villagers have not had any complaint, the Govt. have not found fault and in fact there has been no complaint of any sort against me.

6. The D's Com's in contravention to the Proceedings

has issued orders that
from this day thenceforth
to perry shall not be
Queen goes the price now
but shall be put to
auction, thus depriving
ones of the right which
have been enjoying up to
this time by the pay-
ment of a licence fee
of Rs. 100
by the Government
this order, the Talukdars
authorities have issued
a notice and have fixed
a map as the date of
auction sale of the ferry
8. Even now the landlords
right parcels in the
of Sarapur & other
Talukas where there are
ones.
9. White in the eye of
the law all are equal
it is not possible to

00100001

of the Amildar & Licence
No 3 of 4.8.81 which
Had obtained for the
D.& Cond.

Translated by
V. Krishnaswami Mudr.

day [illegible] the petitioner
was deprived of his right
which extended over 10
or 12 [illegible]
The petitioner [illegible]
ing on the Bullock
and the licensed Lake
spent Rs 500 or 600
in purchasing boats
and entertaining the
necessary establish.
ment.
The petitioner thus
finds, pray that the
records of the case may
be sent for and perused
and order passed
Cancelling the Auction
Sale thus practically
Lim as well the
right to ferry
11. I have enclosed copy
of Hoobli No 540 of
24. 3. 92 to the add

MYSORE LOKAYUKTA'S OFFICE
PETITION DEPARTMENT
REG'D. NO. 324/92
DATE 29-4-92

(7) (3)

9 GOVERNMENT OF MYSORE

P150.

Rs 44 16 9 8/6/92
L5-46

Official Memo

The accompanying Petition
cls 324/265 dated 25: April 1892
presented by Shamanna, Ferryman
at Chendagal, residing at Yedatore
complaining against the order of the
Dy Comr of the Mysore District
directing the sale by public
auction of his hereditary right
to work the ferry at Chendagal,
is forwarded to the Dy Comr
for report. It is clear from
the terms of the licence granted
to Petitioner on 4: August 1881,
that this particular ferry was
brought under the treatment
prescribed in Govt Proceedings
cls 911-19/89 dated 19: May 1880
and the erasure with red ink
of the words "the hereditary
ambigars or ferrymen" both
in the Canarese and the English
forms, is highly suspicious. The
Dy Comr is requested to report
what circumstances led him to

From the Amil Rs 43-2-9 12/8/92
L 292.

00100001

(8)

state that the ferry had not been leased for a permanent rent, while the last clause of the License fixes the annual rent at Rs 100.

31/8/92

By order

For Chief Secretary

To.

The Dy Comr. Mysore District with Petn etc $\frac{324}{265}$ with its 2 enclosures (Dy Comrs Endorsement and original License given to Petr Dy 4/8/81)

GOVERNMENT OF KARNATAKA
00100001

(a)

,1892

SECTION L. Boards

FILE NO. 9 & 91-2

SERIAL NO. 8 9

To The Deputy Commr
Mysore Distt

8th June 1892

No R 4416 / L. 546 Enc three

Re Ruf:

Forwarding the Petition
from Chandigal Ramanna
the Jungle Contractor, el-
Chandigal, Yedahre Talk
for the Dy Comm's report.

0010001

MANI'S OFFICE
DEPARTMENT
D. 896
DATE 20-6-92

324 of/92
Sent to Local Fund
Branch on the
24/6/92

SECTION L. Board

FILE NO. 9069-92

SER'AL (13) Official Memo

No R L.10 293 L.R. 17-92 encle

In continuation of ~~this~~ Govt Proceedings dated 8th June 1892 c/o 4416/546, the accompanying Petition dated 5th June 1892 c/o 895/494 presented by Shamanna, Ferryman of Chendagal and resident of Yedatore, is forwarded to the Dy Comr of the Mysore District for early report.

From the Secretary to Govt 432 8/12/1892 L 292

By order

L.P.

For Chief Secretary

To

The Dy Comr. Mysore District with Petn c/o 895/494.

issue 4/7/92 JP

(General Serial No. 30.)

1892.

From

To The Dy: Commissioner
Mysore

Dated

Despatched July/92

Received

Enclosures No.

General No.

No.

0010001

(12)

(6)

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 64R
DATE 8-7-92

[illegible]

(14) (8)

(General Serial No. 30.)

OFFICE OF THE DEWAN OF MYSORE
1721
15 AUG 92
L 292

189

GOVERNMENT OF MYSORE
From

The Dy. Commissioner.
Mysore District.

Section: Local Boards

To

File No. 908 91-2

Sub. No. 4

Chief Secretary to the Dewan of Mysore.

Dated 12th August 1892.

Despatched

Received

Enclosures No. Petitions Nos. 095 & 324 with enclosures. Cavaree file as per list.

General No. 432

No. 777 Dy. 19.

Submitting report on the petition of Thamanna, Contractor of the Chendgal ferry in the Heddatorah Taluk.

Mr. Br. Mr. 15/8/92

To L. B. Branch
RO.
M 15/8/92

Submitted for orders.
M 17 8 92.

16/8/92

Deputy Commissioner's Office
(15) Mysore District (8)

GOVERNMENT OF MYSORE

No. 432

Dated Mysore 12th August 1892

Mr. Petitions Nos 895 & 896 324 with Enclosures - Canarese file -

From,

The Deputy Commissioner
Mysore District

To,

The Chief Secretary to the Dewan
of Mysore
Bangalore

Sir,

With reference to your official memo No. 4416/646 X of 8/9 June 1892, calling for a report on the petition of Shamnanna, contractor of the Chenbagal ferry in the Yeddatorah Taluk, I have the honor to state that on the application of one Mallanna, of Yeddatorah, dated 30th May 1890, praying for the grant of the right of working the ferry in question for Rupees 150 i.e. for Rupees 50 more than the amount payable by Shamnanna, enquiries were made, and it was ascertained that Shamnanna was not an Ambigar, who had hereditarily enjoyed the right to be treated under the terms of the proceedings of 1880, which is applicable to hereditary ambigars only.

It is reported that the Bestars at Chanagal and Hálual were working the ferry for nearly a hundred years on payment of 3 fanams equal to " — 12 — 6 to Government, and that 18 years ago, the right was sold by public auction, and this system of annual sale continued for 5 or 6 years. After that, in 1881, the right was granted to Petitioner on an annual rent of Rupees 100. — The papers

X Letter to have been issued from the Local Fund Branch

COPY

relating to this transaction are not forth-coming. On enquiry from this office the Amildar has reported that the records appear from the registers to have been sent to Mr. Purvis's Court (Assistant Commissioner's Court) and to have not been returned.

2. The license issued to the petitioner, and received with the official memo under reply, does not contain any terms giving him a permanent interest in the ferry. In the 1st clause the words "hereditary ambigar or ferryman" have been scored out and there is no conveyance to his heirs or assigns. Though the scoring of the said words has not been initialled there can be no doubt that it must have been made at the time of issuing the li-cense, because it is an admitted fact that Shanmanah had no hereditary claim and because the copy of the same furnish-ed by the Amildar does not contain the said words. Besides under clause 6, of the license, the right to revise the rent or resume the right has been reserved to Government.

3. Shanmania had thus no per-manent lease of the ferry; and, as some other ferries in the same Taluk were recently ordered to be put up to auction annually, and as a ~~D~~ urkhast had been received for this ferry, offering a higher rent, the Amildar was in-structed to sell this also by auction and

and secure the best terms for Government without however making any change in the conditions as to fees &c on which the ferry worked hitherto. (8)

4. In the auction Sale one Nanjanna had purchased it for Rupees 250 or 150 per cent more than the rent hitherto paid by Shamanna, paying the usual deposit of 25 per cent, but as he had failed to execute the usual mutchilka, a fresh Sale was ordered. He then appeared and stated that he had been ill for some time and was unable in consequence to execute the mutchilka, and that he had entrusted the concern to Shamanna (petitioner) his maternal Uncle, and that the latter might be permitted to work the ferry.

Orders were issued accordingly. Shamanna having thus taken up the lease for this year must be presumed to have waived any claims he had set up of a hereditary right under the license.

5. The petitions and Enclosures received with the Memo: are herewith Submitted.

I have the honor to be,
Sir,
Your most obed.t Servt

A Rangaramaiya
Deputy Commissioner
Mysore District

Compd:
W.R.

and Secure the best terms for Government without however making any change in the Conditions as to fees &c on which the ferry worked hitherto. (8)

4. In the auction Sale one Nanjanna had purchased it for Rupees 250 or 150 per cent more than the rent hitherto paid by Shamanna, paying the usual deposit of 25 per cent, but as he had failed to execute the usual Mutchilka, a fresh Sale was ordered. He then appeared and Stated that he had been ill for some time and was unable in consequence to execute the Mutchilka, and that he had entrusted the Concern to Shamanna (petitioner) his maternal Uncle, and that the latter might be permitted to work the ferry. Orders were issued accordingly. Shamanna having thus taken up the lease for this Year must be presumed to have waived any claim he had set up of a hereditary right under the license.

5. The petitions and Enclosures received with the Memo: are herewith Submitted.

I have the honor to be,
Sir,
Your most obed.t Servt

Nanjaraj
Deputy Commissioner
Mysore District

Compd:
WJ.

(18)

(9)

Before the Government of *His Highness* the Maharaja of Mysore.

Petition
~~Appeal No.~~ 324 } of 1892-93
895 }

Appellant. Vs. Respondent.

Shamanna of Chendigal Kadu
Yedatore Taluk,
Mysore District.

Decision. dated 20-11-92.

Petitioner claims the hereditary right of working the Ferry on the Cauvery at Chendigal and complains against its sale in a Public auction.

2. Beyond the fact that Petitioner paid a fixed sum of Rs 100 from 1881 up to 1892, there is nothing to show that Petitioner has any hereditary right to work the ferry. Petitioner is a Brahman and is not a ferry man by profession, and in the absence of any documentary evidence in favor of his hereditary right, Petitioner can only be regarded as an ordinary contractor. In the lease granted to him in 1880, which is in the form of the lease granted to hereditary ferry men, the words, "hereditary ambigar or ferry men" have been

(19)

struck out in red ink, and this shows
his hereditary right was not then recognized.
not clear why he was for 10 years allowed to
fixed sum of Rs 100 only every year, but this
be said to give him any right. The
l is therefore dismissed and the action
Deputy Commissioner in selling the right
blic auction is confirmed.

"By Order"

(Drafr.) [signature]
Jr. Chief Secretary

Cmpl.

Fair after Counsel's Draft—

0010001

Pn No 324
895 of 1892-93

A.P.P.

Shamanna
of Chendagalkadu
Gudatoray Taluk
Mysore Dt.

Petitioner claims the hereditary right of working the Ferry on the Cauvery at Chendagal and complains against the enhancement of the usual rent of Rs 100 to Rs 150 on sale in a Public auction.

Besides the fact that he paid a fixed rent of Rs 100 from 1881 upto 1892 there is nothing to show that he has any hereditary right to work the ferry. Petitioner is a Brahman & is not a ferry man by profession, & in the absence of

(21)

of any documentary evidence
in favor of her hereditary right
M can only be regarded as
an ordinary contractor. In
the lease granted to him in 1880
is in the form of the lease granted
to hereditary ferrymen, the
words "hereditary ambigar or ferry
men" have been struck out in
red ink, & the words "that his
hereditary right was not recognized."
It is not clear why he was for 10
years allowed to pay a fixed
sum of Rs 100 only every year, but
that cannot be said to give him any
right. The appeal is therefore
dismissed, & the action of the Dy
Coll in selling the right by Public
auction is confirmed.

18/4/92

AH 20/11

M is informed that as he
failed to prove his hereditary
right to work the ferry, his
appeal has been dismissed.

AH 20/11

Before the Government of *His Highness* the Maharaja of Mysore.

Petitions
~~Appeal~~ Nos 324 } 1892-93.
" " 895 }

Appellant. Vs. Respondent.

Shamanna of Chendagal Kadu
Yedatore Taluk,
Mysore District.

SECTION— Local Board
FILE No.. 9 of 91-2
SERIAL 85

Decision, dt 20-11-92.
25/12/92

Petitioner claims the hereditary right of working the Ferry on the Cauvery at Chendagal & complains against its sale in a Public auction.

2. Beyond the fact that Petitioner paid a fixed sum of Rs 100/ from 1881 upto 1892, there is nothing to show that Petitioner has any hereditary right to work the ferry. Petitioner is a Brahman and is not a ferry man by profession, and in the absence of any documentary evidence in favor of his hereditary right, Petitioner can only be regarded as an ordinary contractor. In the

granted to him (23) in 1880, which is the form of the lease granted to hereditary ferry men, the words "hereditary ambigar or ferry men" have been struck out in red ink, and this shows that his hereditary right was not then recognized. It is not clear why he was for 10 years allowed to pay a fined sum of Rs 100/- only every year, but this cannot be said to give him any right. The appeal is therefore dismissed, & the action of the Dy Commr in selling the right by Public auction is confirmed.

0010001

By Order

R £998 Re-draft. [signature]

7770 for Chief Secretary.

No £7.17-92 15/12/92 Encl: 1 Pkt of V. Papers.

Copy to the Dy. Comr, Mysore Distt, with the vs. papers recd with his No 432 dy 12th Augt/92.

By Order

[signature]

for Chief Secretary.

Drawn

[signature]

[signature]

SECTION L. Boards 7777. 10

L 7 17-92 25/12/92

FILE No. 9861-2 Ser 2

SERIAL No. 91

L 999

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
~~Bangalore~~ 5th December 1892.

Endorsement granted to Shamanna of Chendagal Kadu, Yedatore Taluk, Mysore District, and 895 in reply to his Petition Registered No. 324 dated 25th April & 5th June/92.

Petitioner is informed that as he failed to prove his hereditary right to work the ferry, his appeal has been dismissed.

2. The enclos: are returned.

00010001

"By Order,"

Rendraft.

S.P.

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.